

***Mid-term Evaluation Of The Klamath River
Basin Fisheries Restoration Program***

Prepared For The Klamath River Basin
Fisheries Task Force

By

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Chapter 1

Executive Summary

This *Mid-term Evaluation Of The Klamath River Basin Fisheries Restoration Program* is the first in-depth evaluation of the Program since its launch in 1987. It may be the most comprehensive evaluation of any large-scale Pacific salmon restoration program undertaken to date. The two-state Klamath River basin covers ten million acres. Of that area the Klamath Fisheries Restoration Program addresses nearly 3,000,000 watershed acres. This evaluation covers not only the biological, but the institutional and political aspects of the Program.

The evaluation employs a number of methods, including the use of the Program's administrative databases, interviews of Program participants, field evaluation of the Program's restoration projects, and the use of information concerning other, comparable Pacific Coast fisheries restoration programs. The evaluation results are presented in the same order as they appear in the evaluation workplan, with each of the following chapters covering one of the workplan's nine basic tasks. A tenth chapter, an evaluation of both large and small hatchery operations in the Klamath basin, was developed at the request of the Klamath River Fish and Wildlife Office (KRFWO).

A selection of the major findings and recommendations scattered throughout the report are presented here.

Finding: Over its first 12 years the Task Force has made solid progress establishing an organizational structure to administer a fishery restoration program.

Successes include:

- Adopting a Long Range Plan setting long-term goals and objectives for restoring the basin's fish resources
- Developing a system for selecting restoration projects
- Expending over \$4.6 million for fish and habitat protection, restoration and education projects
- Strengthening community-based restoration efforts through the creation and funding of CRMPs and supporting tribal fishery programs
- Improving coordination and communication among local, state and federal agencies with conflicting missions
- Improving communication among the diverse interests represented on the Task Force

Finding: The Task Force is now at a crossroads. The primary tasks of establishing a program have been completed and the less-controversial restoration projects have been undertaken. Fish production has declined during the life of the Task Force, however, and several anadromous stocks are now in some stage of listing for protection under the federal Endangered Species Act.

The Task Force adopted a goal of restoring the biological productivity of the Klamath Basin to provide for viable ocean and in-river fisheries by 2006. If the Task Force seriously intends to progress towards the goal, it must confront the more contentious issues that still divide the membership.

Finding: A consensus decision-making process was originally required by the Act and continues as the decision-making style for the Task Force even though amendments to the Act now leave it unclear as to whether it continues to be mandatory. In adhering to the consensus process Task Force members have learned how to protect their own self-interests through the power of the veto, but have not yet learned how to use consensus in a positive way to work through divisive issues.

The TF should give the consensus process a strong chance to succeed. The easier issues have been addressed in the first half of the Program's 20-year life and the TF now faces the more difficult issues of land and water use. The TF should clearly put the issue of a well-functioning consensus process on the table and consider the following

- Dedicating a workshop session in the near future to reviewing what a consensus process is supposed to be, and how it is supposed to function.
- Hiring a professional facilitator on an "as needed" basis to work through chronic issues such as the Upper Basin Amendment, issues of tribal vs. agricultural water rights, and alternative opportunities for water management.
- Making a conscious effort to recognize when issues need to be brought to a facilitator, and scheduling meetings for those specific purposes.
- Discontinuing Robert's Rules of Order and adopting a meeting style more consonant with a consensus process.

Finding: The Program's 1991 *Long Range Plan's* lengthy step-down structure of goals, objectives, policies, priorities, and specific recommended actions does not lend itself well to tracking and documenting progress made in the Plan's implementation.

The TF should adopt the revised *Long Range Plan* structure presented in Chapter 3 of this evaluation, including its method of coding all recommended actions, so that all future Program efforts (e.g. grant agreements, action minutes), may be coded and entered in a sortable database for easy annual progress reporting.

The TF should consider, as well, the incorporation of the emerging Coordinated Resources Management Planning (CRMP) sub-basin plans into the Program's *Long Range Plan*.

Finding: Chapter 2 of the 1991 *Long Range Plan*, in its lengthy discussion of fish habitat protection needs, proposes a series of actions the TF should promote to improve stream protection measures in the basin. To the extent such measures are within the control of the basin communities, many such actions have been undertaken. Still largely lacking, however, are those proposed stream protection actions which are the responsibility of out-of-basin interests, like the State Board of Forestry.

The TF should confer with the California Department of Forestry and Fire Protection, the California Board of Forestry, California Department of Fish and Game, and Fish and Game Commission concerning the continuing need for improved stream protection standards under the provisions of the State Forest Practice Act, Fish and Game stream modification regulations (F&G Code Section 1600 et seq.) and other stream protection laws.

Finding: The Salmon River Restoration Council has embarked on a highly promising watershed assessment and restoration planning process in concert with the Klamath National Forest. The Salmon River sub-basin area is dominated by National Forest ownership, as are many important watersheds in the mid-Klamath region.

The TF should foster the expansion of the stakeholder-based Salmon River sub-basin restoration planning process, by other watershed communities, into the balance of the federal land ownership-dominated watersheds of the mid-Klamath region.

Finding: The Program's *Long Range Plan* identifies the factors that limit fish production within the Restoration Program area. Because most of these "limiting factors" concern degraded water quality, the U.S. Environmental Protection Agency, the California State Water Resources Control Board and the North Coast Regional Water Quality Control

Board have all recognized the Long Range Plan as a comprehensive, basin-wide water quality restoration plan. That recognition lead to the Program's eligibility to receive over \$1 million in non-point source pollution control *implementation* grant funds under Section 319(h) of the federal Clean Water Act. Those funds have been used for stream protection projects, to strengthen watershed education in the basin's public schools, to support community-based stream monitoring and to develop the Program's Klamath Resource Information System GIS program.

The Clinton Administration has requested \$100 million for a federal fiscal year 2000 "Pacific Coastal Salmon Restoration Initiative", of which California State, local and tribal governments would receive \$25 million. It appears very likely that Congress will approve, if not increase, the President's salmon restoration funding request.

The TF should approach the National Marine Fisheries Service and the California Resources Agency, at its earliest opportunity, with the proposal the *Long Range Plan* and Restoration Program be at least *tentatively* designated by the Service as the recognized program for the recovery of the basin's Endangered Species Act-listed salmon and steelhead -- in the same manner the Plan and Program were recognized earlier as the basin's water quality restoration platform by the State and federal Clean Water managers.

Whether or not such a proposed designation directs the Klamath River basin's share of the new Initiative's funding to and through the Restoration Program's grant process, entities using the new funds should be guided in their restoration projects by the provisions of the updated Plan.

Finding: Fish population monitoring is an absolutely essential element of any fisheries management or restoration program. The TF, to its credit, has devoted roughly 30% of its available restoration grant funds to fish monitoring projects. The Klamath Fishery Management Council (Council) has identified urgent needs for fish monitoring programs to guide its harvest recommendations to the Pacific Fishery Management Council and has turned to the TF to increase its monitoring commitment. The TF has had to deny the Council's monitoring funds request in order to stay on target with other major Plan-driven commitments, like the mainstem Klamath River instream flow studies.

The TF and Council must work together to identify a stable source of fish monitoring funding. The U.S. Bureau of Reclamation has, on occasion, stepped into the monitoring funding breach on the Trinity River side of the basin. Inasmuch as the Bureau's water operations effect fish conditions on both legs of the system - the Trinity and mainstem Klamath - the Bureau's project maintenance and operations budget represents one logical place to start in the search for a stable fish monitoring funding base.

Finding: Within the next several years Congress will address the question of re-authorizing the Klamath Act and continuing or augmenting its funding. Congressional delegations will expect to see a clear plan of action and willingness to make mid-course corrections before more resources are directed to the Klamath.

Task Force members should take pride that they have been asked to work on the complex problems of the Klamath Basin. But the Task Force faces the specter of having spent \$20 million on fishery restoration efforts with only fisheries decline or extinction to show for it. If there is no personal or political will to make the Task Force succeed, it will fail in its goals.

Responsibility lies with each individual member and interest group to recognize the needs of Klamath fisheries and either work towards those goals or get out of the way. The alternative is the loss of a priceless natural resource during their watch.

The Klamath River Basin Conservation Area Fishery Restoration Program

Public Law 99-552, the “Klamath Act”, was adopted by the Congress on October 27, 1986 for the purpose of authorizing a 20-year-long federal-State cooperative Klamath River Basin Conservation Area Restoration Program for rebuilding the river’s fish resources. Congress observed that “floods, the construction and operation of dams, diversions and hydroelectric projects, past mining, timber harvest practices, and road-building have all contributed to the sedimentation, reduced flows, and degraded water quality which has significantly reduced the anadromous fish habitat in the Klamath-Trinity River system”.

The Act, as amended in 1991, provides for a 16-member Klamath River Basin Fisheries Task Force (TF) and directs the U.S. Secretary of the Interior to cooperate with the Task Force in the development of the Restoration Program. The Task Force members are appointed by and represent the Governors of California and Oregon; the U.S. Secretaries of Interior, Commerce and Agriculture; the California counties of Del Norte, Humboldt, Siskiyou and Trinity; Klamath County, Oregon; the Hoopa Valley, Karuk, Yurok and Klamath native tribal fishers; anglers and commercial salmon fishermen.

The Task Force was organized and chartered as a federal advisory committee in 1987. In the winter of 1990-91 the Task Force completed development of a *Long Range Plan For The Klamath River Basin Conservation Area Fishery Restoration Program*. Among the *Long Range Plan’s* many provisions was one that called for an annual report on the Program’s progress and another that called for an evaluation of the Restoration Program every five years (LRP at Sections 7.4 b and a).

The Restoration Program is administered by the U.S. Fish and Wildlife Service from the Service's regional office in Portland, Oregon and from a field location, the Klamath River Fish and Wildlife Office (KRFWO), at Yreka, California. The last report relating Restoration Program activities to the *Long Range Plan* was prepared by the KRFWO for federal fiscal year 1992. Inasmuch as eight, not five years have elapsed since the Plan's call for a five-year evaluation, this evaluation is referred to as a "mid-term" Program evaluation.

A significant portion of the Task Force's annual work involves the approval of approximately one-half million dollars in fish habitat and fish population restoration-related grants. The Task Force is assisted in this annual effort by a technical working group (TWG) of persons knowledgeable and interested in Klamath River fisheries restoration.

The Restoration Program's Mid-term Evaluation Project

The Mid-term Evaluation Project, the assessment called for in the 1991 *Long Range Plan*, was developed by a subcommittee of the TF with assistance from the KRFWO staff. The TF members and their U.S. Fish & Wildlife Service assistants identified the questions that needed to be answered and the wording of a contract workplan that would be followed by a consultant in the pursuit of needed answers. The Service advertised the contract opportunity in early 1997 and a contract was awarded to the successful bidders, Kier Associates, that spring.

The project workplan contains ten tasks, the first of which required the contractor to meet with the TF's mid-term evaluation subcommittee for a consultation concerning the ground rules for the project. The subcommittee's instructions translated briefly to "Pull no punches. This is your, the consultant's evaluation – not the Fish & Wildlife Service's nor the Task Force's." This, then, is the spirit in which this evaluation has been conducted.

Each chapter presents the findings and conclusions concerning a specific task, in the order in which they occur in the project workplan. Chapter 1, of course, has been devoted to this introduction. Task 10 concerns the preparation of this report. Chapters 2 through 9 each begin by reciting the language of the task addressed in it.